

Exhibit G

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STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC UTILITY CONTROL

Docket No. 03-01-02

Petition of Gemini Networks Connecticut,
Incorporated for Declaratory Ruling Regarding
Southern New England Telephone Company's
Unbundled Network Elements

Technical Meeting held at the Department
of Public Utility Control, 10 Franklin
Square, New Britain, Connecticut, on April 8,
2003, beginning at 9:36 o'clock a.m.

H e l d B e f o r e :

The Hon. JACK R. GOLDBERG, Chairperson

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1 THE CHAIRPERSON: We're here
2 this morning for technical meeting on Docket
3 03-01-02, Petition of Gemini Networks
4 Connecticut, Incorporated for Declaratory
5 Ruling Regarding Southern New England
6 Telephone Company's Unbundled Network
7 Elements.

8 I'm Commissioner Jack
9 Goldberg. I'll be running the technical
10 meeting today. Can I have appearances?

11 MS. GARBER: Peggy Garber and
12 Keith Krom for SNET.

13 THE CHAIRPERSON: Further?

14 MR. WRIGHT: John Wright on
15 behalf of the Attorney General, good morning,
16 Commissioner.

17 MR. VALLEE: William Vallee
18 for the Office of Consumer Counsel.

19 MS. JANELLE: Jennifer Janelle
20 from Murtha Cullina for Gemini Networks, and
21 I have Richard Rowlenon, who is in-house
22 counsel for Gemini, with me today.

23 THE CHAIRPERSON: Further
24 appearances?

25 Okay. What we are going to do

1 is we will start with Gemini. I'll tell you
2 guys, that I've not been very happy with the
3 conduct of this proceeding. We need to put
4 together a record. We don't have a very good
5 record. In fact, the record in this
6 proceeding stinks. Both Gemini and SNET are
7 jointly responsible for that. We are more
8 trying to prevent each other from getting the
9 information that each other needs and really
10 that I need, this Department needs.

11 The record isn't there, we
12 will have to look at other options. All
13 options are on the table, and I'm willing to
14 consider all options, but I need this
15 information, and I want it, and I expect to
16 get it. I want the stonewalling to stop, and
17 there will be consequences if it doesn't.

18 We have, I believe, a couple
19 of outstanding motions, motion 6, which is
20 SNET's motion, I believe, to require more
21 information. I would deny that motion other
22 than TEL-4, the necessary and impair. I want
23 Gemini to provide much more information, I
24 want it to be specific, I expect it to be,
25 and you'll hear from me if it isn't.

1 MS. JANELLE: Commissioner,
2 with respect to that, we'd like to file that
3 by way of brief, and we are willing to do it
4 now, if you like. We can have it in by the
5 end of the week, but we just don't feel that
6 our witnesses should be subject to testifying
7 about a legal standard. That's been our
8 position in this.

9 So if the Commission wants
10 that information, we are more than happy to
11 provide it, and we will provide it now as
12 opposed to in the course of the normal
13 briefing schedule.

14 THE CHAIRPERSON: That's not
15 allowable. That's not what I want. I need a
16 record. A brief does not provide me a record
17 I need. I need a witness to testify.

18 MS. JANELLE: To the legal
19 standard of necessary and impair?

20 THE CHAIRPERSON: It's not
21 just the legal standard, it's the entire
22 question that's involved.

23 MS. JANELLE: Okay,
24 Commissioner, that's fine.

25 THE CHAIRPERSON: The second

1 motion is -- we have another motion that's
2 outstanding, is that 7?

3 MS. GARBER: Yes.

4 THE CHAIRPERSON: For?

5 MS. GARBER: For a more
6 definite statement from Gemini as to the
7 specific telecommunication services that they
8 contend they cannot provide unless we provide
9 the UNES and how they would specifically be
10 impaired. We are not asking that they tell
11 us their entire business plan. We are just
12 saying, you know, if there is at least one
13 telecommunication service that you claim you
14 can't provide without these UNES, please
15 identify them.

16 THE CHAIRPERSON: Okay, I
17 recall that. You have two sentences you want
18 to tell me before I rule on this?

19 MS. JANELLE: I would think
20 that that goes along with the necessary and
21 impair ruling that you just made,
22 Commissioner, and that would be incorporated
23 in our other filing.

24 THE CHAIRPERSON: Okay,
25 because I am moving fast, so it does. You

1 understand what I want you to provide?

2 MS. JANELLE: Yes,
3 Commissioner, we do.

4 THE CHAIRPERSON: Now please
5 proceed with what you want to say to me, to
6 this Department. Do you have something you
7 need to say?

8 MS. JANELLE: We did not
9 prepare anything because in speaking with the
10 case coordinator, we were not sure where the
11 Department was going with this technical
12 meeting. The only statement we'd like to
13 make is that we feel that we've been
14 forthright. I don't think there is really
15 anyone in the room that can claim that they
16 don't know what we are seeking.

17 We are seeking use of the
18 co-axial portion of the HFC network that
19 still exists in addition to one small part of
20 fiber on the end of that, and the constant
21 claims from SNET that they don't know what we
22 are asking for, we are sort of bewildered.
23 We will put it in whatever terminology that
24 they want it put in, if they let us know what
25 that terminology is.

1 If the Department is confused
2 as to what we are seeking, we apologize, and
3 please let us know, but we are sort of
4 bewildered at the claims that people don't
5 understand what we want here.

6 THE CHAIRPERSON: Attorney
7 Garber.

8 MS. GARBER: We understand
9 that they want the entire co-axial network.
10 The problem is that it's our belief that
11 under the state law, which is required to
12 comply with the Federal Act, that we have to
13 know specifically what unbundled element,
14 where does it start, where does it end, and
15 what telecommunication service are you
16 contending you can't provide without that
17 element because they have to demonstrate the
18 impairment, and unless we have facts, we
19 can't put a defense on. That's all we've
20 been saying.

21 THE CHAIRPERSON: Attorney
22 Vallee, want to throw your two cents in?

23 MR. VALLEE: My two cents,
24 Commissioner, is the OCC certainly concurs
25 with the Department's analysis, discovery to

1 date has been incomplete probably on both
2 sides. We urge the Department to continue to
3 insist that the parties comply.

4 It sounds as though there is
5 an allegation bouncing around the room about
6 a chicken and an egg or a Catch-22 that,
7 well, if they don't tell us what they want,
8 then we can't tell them, all this kind of
9 thing. It seems to me that it is doable, and
10 I think we need to hold them to it.

11 THE CHAIRPERSON: How is it
12 doable? What would you recommend?

13 MR. VALLEE: Well, I think the
14 Department is doing what it is, call them in
15 and just say do it. You have the motion 6
16 and 7, which the Department has now ruled
17 upon. I would suggest a strict timetable and
18 we see what we get, and if we need another
19 meeting to keep the feet to the fire, then
20 that's what we do. There isn't a whole lot
21 else you can do. The Department doesn't have
22 the information, the OCC doesn't themselves
23 either, so we can't come up with this
24 information on either side, so I think the
25 best you can do is use your authority which I

1 do think is granted to the Department under
2 state law to make this all happen.

3 THE CHAIRPERSON: Attorney
4 Wright.

5 MR. WRIGHT: I don't have any
6 additional comments to that. We try not to
7 involve ourselves in discovery disputes among
8 the parties. I think the Commission itself
9 is correct that the discovery has so far not
10 been helpful for the Department, and rulings
11 so far have been appropriate, and we support
12 that.

13 THE CHAIRPERSON: Thank you.
14 My impression is both sides feel that they
15 have such a strong case that they don't need
16 any showing, and that they are just going to
17 win this. I don't know who is going to win
18 this, but I do know that neither side has
19 provided the evidence so far. I don't have a
20 record here, and I want a record. I will
21 continue to hold your feet to the fire. We
22 will have as many of these as we need, and
23 there are other options that I'm studying to
24 see if we need to proceed in that manner.
25 Right now this is the path we are going

1 along. We will try to stay on it.

2 Is there anything else anyone
3 wants to say?

4 MS. JANELLE: Commissioner, if
5 we just may, on February 18th, we filed a
6 list, and we broke that network down into
7 what we thought was a piece-by-piece
8 analysis, and what I'm hearing today,
9 although Mr. Pescosolido is shaking his head,
10 what I'm hearing today is that that's not
11 sufficient, and I guess we are still standing
12 here saying, we are not sure what -- how much
13 farther we are supposed to break that network
14 down. We are at a loss and I apologize,
15 but --

16 THE CHAIRPERSON: What
17 happened to your arm?

18 MS. JANELLE: For the record,
19 I broke my wrist in an incredibly stupid
20 way. I fell off a step stool.

21 THE CHAIRPERSON:
22 Mr. Pescosolido.

23 MR. PESCOSOLIDO: Thank you,
24 Commissioner, I do. Picking up on Attorney
25 Janelle's statement, I want to ask the

1 company if they could expand on -- I'm sure
2 they've looked at the list -- what more
3 information they need to help the company
4 Gemini develop their request.

5 MS. GARBER: The only
6 information we need to know is if they want
7 each one of those individually or if there
8 are some of those that have to be combined
9 before they are usable. It goes to, so that
10 we can figure out if it's technically
11 feasible, whether access can be granted at
12 the beginning or the end of whatever
13 component they are telling us that they
14 want.

15 MR. PESCOSOLIDO: Is that
16 something Gemini can address?

17 MS. JANELLE: Again, I believe
18 that we addressed that. Our position is that
19 the elements are -- that list of elements is
20 already combined into one network, and we
21 don't want it ripped apart and recombined.
22 We want it in the form that it's in. That's
23 the broken down list of each and every
24 element, and we want them combined as they
25 currently exist. We don't want them

1 arbitrarily deconstructed and reconstructed
2 in the network. We'd like to use it as it is
3 in its currently combined form. That's, I
4 think, where the breakdown is. That's where
5 we don't understand, what more can we say.

6 MS. GARBER: As we've already
7 stated, there is no network, and those
8 components in, let's say, one block may exist
9 in a combined form; however, in the next
10 block, part of those components may have been
11 removed.

12 So if what you are telling me
13 is the only network element you are
14 interested in begins at the top of that list
15 and ends at the bottom of that list, it's a
16 single network element, and that's where you
17 are going to put your case on, then I'm
18 fine. I just need to know how many discrete
19 elements we are talking about.

20 MS. JANELLE: Commissioner, I
21 believe therein lies the problem because
22 we've been asking for an inventory of what's
23 there. We want whatever is there. We don't
24 know what has been removed. We don't know
25 what has been taken down. We don't know what

1 exists in what form where.

2 We know that at some point in
3 calendar year 2000, a complete network
4 existed, and we know that we've been told
5 that some pieces have been taken down, but we
6 do not know what pieces have been taken
7 down. We don't know what still exists, and
8 what we are being told is you have to tell us
9 what you, precisely what you want in which
10 locations so that we -- you know, if it
11 doesn't exist, then obviously you can't have
12 it.

13 Well, tell us what exists. We
14 want the whole list of what exists in
15 whatever form it is, and if we can get our
16 hands on that list of what exists, we will
17 feed it back to you, every single one of
18 those elements that is out there. That is
19 what we want.

20 If there are pieces missing
21 and the network doesn't support end-to-end
22 connectivity with respect to those missing
23 pieces, we will supply the missing pieces.
24 We will reconstruct it, we will make it
25 work. We are willing to do that, but we

1 don't know what's out there. We can't get an
2 inventory. We can't get a blueprint. We
3 can't get a list of what's been taken down,
4 and we are being told you tell us what's out
5 there. Short of sending engineers out and
6 running the entire system, we have no idea
7 what's out there.

8 Those are the elements that we
9 believe were in the entire network to begin
10 with. If any portions of those have been
11 taken down, we don't know about it, but we
12 want whatever is out there.

13 MS. GARBER: Commissioner, if
14 I may.

15 THE CHAIRPERSON: Go ahead.

16 MS. GARBER: This case deals
17 with network elements. It doesn't deal with
18 a network, and every time that they ask for
19 an inventory, what they are asking for is an
20 inventory of the end-to-end network, or
21 whatever the network was. That's irrelevant
22 to what they need. What individual elements
23 they need, if they exist in the facilities
24 that are still there, what they need to
25 provide the telecommunication services they

1 want to provide, we can tell them, as a
2 general matter, that these components were
3 used to build the network, and they may or
4 may not exist in any portion of those 22
5 cities. But to determine what elements they
6 need, they do not need an inventory of
7 everything that's out there on every street
8 in every city.

9 MS. JANELLE: Our response
10 would be then if they are there, we want
11 them. It's as simple as that. To say that,
12 you know, do you want end to end from top to
13 bottom, if we say yes, the response is going
14 to be, well, that doesn't exist over here so
15 that doesn't count, you can't have it. If
16 it's there, we want it, and if it's missing
17 and it doesn't support the network, we will
18 replace it, and I don't know how much clearer
19 we can be on this.

20 THE CHAIRPERSON: Okay. I
21 think you both made your positions as muddy
22 as you have before. We will deal with that.
23 Thank you. Thank you for now.

24 MS. JANELLE: We have one more
25 outstanding issue, Commissioner. I'm sorry.

1 THE CHAIRPERSON: Okay.

2 MS. JANELLE: That is that the
3 Department granted our motion to lift the
4 protective orders on the material because
5 actually we are hoping to garner the
6 information that everybody is seeking. We've
7 been trying to compile a list and just submit
8 it ourselves, and I'd just like clarification
9 on what the procedure is going to be on that
10 material. Should we send our people down to
11 go through the Department's files and they
12 will be released to us? Is SNET going to
13 provide that information in a public forum to
14 us? We are just a little confused on the
15 procedure.

16 MS. GARBER: Excuse me, that
17 was not the ruling of the Commission. The
18 Commissioner said that they would consider
19 those dockets, but that the protective orders
20 would stay in place. Now, if there are
21 particular documents in those dockets that
22 you can identify, we will be glad to take a
23 look at them to determine whether they still
24 contain proprietary information, but I didn't
25 read the order as lifting the protective

1 orders.

2 MR. PESCOSOLIDO: I thought we
3 said that the order that was in place in this
4 proceeding would take precedence over the
5 other dockets. I thought that's what our
6 ruling was.

7 MS. GARBER: Excuse me, I
8 didn't follow that.

9 MR. PESCOSOLIDO: I thought
10 that the protective order in this proceeding
11 took place -- took effect over the other
12 dockets. I thought that's what we said. I'm
13 going to have to go back and take a look at
14 it.

15 MS. JANELLE: I have it right
16 here. It says, "The Department will grant
17 Gemini's requests and will also require any
18 materials needed in protection will be
19 covered by the protective order previously
20 approved in this proceeding."

21 My understanding is either way
22 we are now entitled to copies of them.
23 Correct?

24 MR. PESCOSOLIDO: Right.

25 MS. GARBER: That was subject

1 to the same protection and many of those were
2 under the highest level of protection and
3 were only provided to the Commission and the
4 OCC or the AG. So to the extent they were
5 subject to that protection, that's my
6 understanding that was to remain in place.

7 MR. PESCOLIDIO: Right.

8 MS. GARNER: And, Ms. Janelle,
9 you and I have talked once before, if she can
10 identify any document in those files that she
11 believes should no longer, you know, that
12 they need or they no longer need to be
13 protected, we will be glad to talk to her
14 about that, or if there is a fact that they
15 think they can prove by that document, maybe
16 we can reach a stipulation and we don't have
17 to put all kinds of documents in here. We
18 will be glad to work either on a stipulation
19 or to see whether or not the documents no
20 longer need the highest level of protection.

21 MR. VALLEE: The argument has
22 been also raised that if the equipment is,
23 the infrastructure is derelict at this point,
24 it's just essentially being ripped down as
25 it's encountered, then why would it need to

1 continue to be protected?

2 MS. GARBER: That's why we say
3 on a document-by-document basis we are glad
4 to consider those. But as you know, those
5 dockets dealt with, you know, basically rate
6 case, cost of service studies. There is all
7 kinds of information in there that is still
8 relevant and still should be protected from
9 SNET, the telephone company's point of view.
10 There may, however, be documents in there
11 that dealt only with the HFC network that
12 would no longer need to be protected, and we
13 will be glad to work on that.

14 MS. JANELLE: And our request
15 was specifically limited to only the
16 HFC-related documents. We are not interested
17 -- we are not trying to get the whole docket.
18 Our request was specifically limited to the
19 HFC dockets. The problem is that these were
20 the dockets that were identified by the
21 Department in its requests, so they are
22 obviously relevant, and some of them are so
23 old they are no longer available on the web.
24 We don't have copies of them.

25 I can't -- again, she is

1 asking that I identify the dockets that I
2 want -- the documents that I want. I haven't
3 seen the documents, and I can't see the
4 documents, so how can I identify them? Sort
5 of the chicken and the egg problem that we
6 are encountering here. That's why I'm
7 curious as to are there going to be versions
8 provided to us of what we are now entitled to
9 get or how is it going to work?

10 MS. GARBER: As I previously
11 offered, we can make a list of the protected
12 documents, and you can identify which of
13 those documents you believe may be relevant,
14 and then we can go from there. Just by the
15 names of many of the documents, you are going
16 to see that they have absolutely no
17 relevance.

18 THE CHAIRPERSON: Why don't
19 you prepare that list initially and get it to
20 both of us and to all the parties, and then
21 we will examine it too, and we will decide,
22 make an independent evaluation.

23 MS. GARBER: Okay.

24 MR. PESCOLIDO: So I'm
25 clear, you are only interested in anything

1 pertaining to HFC?

2 MS. JANELLE: That's all that
3 we are interested in.

4 MS. GARBER: Just so I
5 understand, do you want us to go through them
6 and only identify the documents that we
7 believe are related to HFC, or do you want us
8 to provide a list of all the documents that
9 were proprietary?

10 THE CHAIRPERSON: Supply all
11 the documents that are proprietary, and we
12 will make an evaluation on our own.

13 MS. GARBER: Thank you.

14 MS. JANELLE: Thank you,
15 Commissioner.

16 THE CHAIRPERSON: We will get
17 back to everybody.

18 MS. GARBER: Commissioner, as
19 far as the briefing schedule that's just off
20 on the reply at this point in time?

21 THE CHAIRPERSON: Actually,
22 I'm not sure what the schedule is at this
23 moment. Hold on one second.

24 MS. GARBER: The reply briefs
25 were originally due today, and I believe that

1 was going to be one of the issues that we'd
2 discuss today.

3 THE CHAIRPERSON: I'll be
4 honest, I'm not sure how useful the reply
5 briefs will be based on the commentary we
6 received up until now, so I will put that off
7 and get back to everybody with the new
8 schedule.

9 MS. JANELLE: Commissioner,
10 Mr. Rowlenon just pointed out to me that
11 there was one more outstanding motion to be
12 ruled on, and I believe that was motion
13 number 8, which was our motion to compel more
14 information from SNET based on our
15 interrogatories. Unless I missed it, I don't
16 think that was ruled on.

17 THE CHAIRPERSON: I did 6 and
18 7.

19 I'll have to get back to you
20 on that one.

21 MS. JANELLE: That's fine.
22 Thank you.

23 THE CHAIRPERSON: We will have
24 that to you by the end of the day.

25 MS. GARBER: Commissioner,

1 will you have the dates when interrogatory
2 responses are due and when you would like
3 that list from us?

4 THE CHAIRPERSON: Yes.

5 MS. GARBER: Thank you.

6 THE CHAIRPERSON: I will have
7 it to everybody by the end of the day today
8 because I want to get this thing moving
9 again.

10 MR. PESCOSOLIDO:

11 Commissioner, if I could, I'd just like to
12 put the parties on notice that because of the
13 problems that we've been having getting the
14 information and the changes to the schedule,
15 we are probably going to have to go beyond
16 the July 2nd final due date, which we will
17 probably have to seek a waiver of the
18 statutory requirement, that means your
19 decision, so I have to get agreement from the
20 parties on that, too.

21 THE CHAIRPERSON: Do you have
22 any problem?

23 MS. JANELLE: No, we have no
24 problem.

25 MS. GARBER: No.

1 THE CHAIRPERSON: Thank you.
2 No problems from both parties. Thank you.
3 We will get back to everybody as quickly as
4 we can because we are not going to hold the
5 process up. Thank you. Anything further?
6 Going once, going twice.

7 MS. GARBER: Thank you.

8 THE CHAIRPERSON: The man
9 behind the curtain is okay?

10 MS. GARBER: He is okay.

11 THE CHAIRPERSON: Thank you.
12 This technical meeting is recessed.

13 MS. JANELLE: Thank you,
14 Commissioner.

15 (Whereupon, the above
16 proceedings were adjourned at 9:57 o'clock
17 a.m.)
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CERTIFICATE

I hereby certify that the foregoing 26 pages are a complete and accurate computer-aided transcription of my original stenotype notes taken of the Technical Meeting in Re: DOCKET NO. 03-01-02, PETITION OF GEMINI NETWORKS CONNECTICUT, INCORPORATED FOR DECLARATORY RULING REGARDING SOUTHERN NEW ENGLAND TELEPHONE COMPANY'S UNBUNDLED NETWORK ELEMENTS, which was held before the Hon. JACK R. GOLDBERG, Chairperson, at the Department of Public Utility Control, 10 Franklin Square, New Britain, Connecticut, on April 8, 2003.

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